

RESPONSE TO OFFICE ACTION

In response to the Office Action mailed May 18, 2001, please consider the following.

REMARKS

Reconsideration of the rejections set forth in the Office Action dated May 18, 2001, is respectfully requested.

The Examiner rejected claims 19 and 23–28 under 32 U.S.C. 102(b) as being anticipated by Barbut, et al., U.S.P.N. 5,769,816. Applicant calls the Examiner's attention to the reference date of the cited art, which is June 23, 1998, the issue date of the patent. Applicant attaches the filing receipt for the pending application as Exhibit A. Referring to Exhibit A, the present application is a CPA of U.S.S.N. 09/467/293, filed December 17, 1999, which is a continuation of U.S.S.N. 09/387,634, now U.S.P.N. 6,176,851, filed August 31, 1999, which is a continuation of U.S.S.N. 08/993,202, now U.S.P.N. 6,048,331, filed December 18, 1997, which is a continuation-in part of U.S.S.N. 08/854,806, now U.S.P.N. 6,231,544, filed May 12, 1997, which is a continuation-in part of U.S.S.N. 08/645,762, now abandoned, filed May 14, 1996.

Applicant respectfully asserts that the Examiner's rejection is improper for a 102(b) rejection, because the reference date of the art cited does not predate the effective date of the application by at least a year. Setting aside, for the moment, the continuations-in-part in the domestic priority lineage, the present application is at least entitled to a filing date of December 18, 1997, the earliest date from which priority is claimed through continuations. (Earlier dates are claimed through continuations-in-part, the analysis of which is not required for the purposes of responding to this Office Action.) Thus, the effective date of the present application is at least as early as December 18, 1997, which predates the reference date of the cited art, June 23, 1998.

For the reasons listed above, the art cited by the Examiner cannot stand as a 102(b) reference to the present application. Thus, Applicant respectfully requests reconsideration and favorable action on the merits of the claims of this Continuing Prosecution Application. The Commissioner is hereby authorized to charge any additional fees, which may be required, to Deposit Account No. 12-2475.

Respectfully submitted,

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